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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ivan Wong Yin Yang

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/804,910	Applicant(s) YANG ET AL.	
	Examiner MICHAEL VAN HANDEL	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10, 15-22, 24, 26, 28-31 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10, 15-22, 24, 26, 28-31, 36-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2008 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 10/27/2008. Claims **6-10, 15-22, 24, 26, 28-31, 36-41** are pending. Claims **6, 16, 19, 22, 24, 26, 36, and 39** are amended. Claims **1-5, 11-14, 23, 25, 27, 32-35** are canceled.

Response to Arguments

1. Applicant's arguments regarding claim **6, 16, 19, 22, 24, 26, 36, and 39**, filed 10/27/2008, have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **6-10, 15-22, 24, 26, 28-31, 36-41** are rejected under 35 U.S.C. 102(b) as being anticipated by Matthews, III et al.

Referring to claim **6**, Matthews, III et al. discloses a system for providing an extended electronic program guide, comprising:

- at least one recorded material database (local memory cache) containing user-initiated (col. 9, l. 50-52) recorded material that includes at least one of: recorded video streams, still images, recorded audio streams and recorded closed captioning information (col. 7, l. 9-21, 31-42; col. 9, l. 45-67; & col. 10, l. 1-13).
- at least one live stream database containing at least information regarding at least one of: a current live stream and a future live stream (col. 6, l. 59-67; col. 7, l. 1-8; & col. 8, l. 6-10);
- a database integrator (user interface unit 90) that produces for display the extended electronic program guide, the database integrator operatively connected to the at least one recorded material database and the at least one live stream database, the extended electronic program guide including information related to the recorded material and information related to the at least one of: the current live stream and the future live stream (col. 4, l. 48-65; col. 8, l. 52-67; col. 9, l. 1-12, 45-67; & col. 10, l. 1-49); and
- wherein the extended electronic program guide is organized as a grid of entries (Fig. 5), said grid including a plurality of cells wherein said entries are contained within said cells, each of the cells including the information related to at least one of: the

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current live stream or the future live stream and wherein at least one entry 140, in at least one cell of said plurality of cells, indicates presence of existent recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream (WW II Documentary)(col. 9, l. 56-67 & col. 10, l. 1-13).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **7**, **38**, and **41**, Matthews, III et al. discloses the system/method according to claims 6, 36, and 39, respectively, wherein the recorded material is time shifted data of predetermined live stream data (col. 10, l. 5-10).

Referring to claims **8** and **28**, Matthews, III et al. discloses the system/method according to claims 6 and 26, respectively, wherein the recorded material is material derived from a source of digital data (col. 7, l. 9-21).

Referring to claims **9** and **29**, Matthews, III et al. discloses the system/method according to claims 6 and 26, respectively, wherein respective recorded material of a plurality of recorded materials is derived from a respective source of digital data of a plurality of digital data (col. 7, l. 9-21, 31-42 & col. 10, l. 1-10).

Referring to claims **10**, **20**, and **30**, Matthews, III et al. discloses the system/method according to claims 6, 19, and 26, respectively, wherein the at least one recorded material database includes data related to predetermined recorded material (col. 7, l. 31-42), identification data (col. 9, l. 56-67 & col. 10, l. 1-10), and optionally, at least one of data representing: time recorded, time duration, actors/actresses (col. 7, l. 2), rating, and password.

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NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **15**, **21**, and **31**, Matthews, III et al. discloses the system/method according to claims 6, 19, and 26, respectively, wherein the information regarding at least one of: the current live stream and the future live stream correspondingly includes at least one of: identification of the current live stream and identification of the future live stream (WW II Documentary)(Fig. 5), and the information related to recorded material includes identification of the recorded material (Hitler, Pearl Harbor, A-Bomb)(Fig. 5).

Referring to claims **16** and **19**, Matthews, III et al. discloses a method/system for providing an extended electronic program guide, comprising:

- generating at least one recorded material database (local memory cache) containing recorded material that includes at least time shifted data of predetermined live stream data (col. 7, l. 9-21, 31-42; col. 9, l. 45-67; & col. 10, l. 1-13);
- processing at least one of a current and a future live stream to obtain data regarding the at least one of the current and the future live stream (col. 6, l. 59-67; col. 7, l. 1-8; & col. 8, l. 6-10);
- producing, for display, the extended electronic program guide by integrating data regarding the at least one of the current live stream and the future live stream with data from the at least one recorded material database, the extended electronic program guide including displayed information related to the recorded material and information regarding the at least one of the current live stream and the future live

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- stream (col. 4, l. 48-65; col. 8, l. 52-67; col. 9, l. 1-1-12, 45-67; & col. 10, l. 1-49);
- and
- wherein the extended electronic program guide is organized as a grid of entries (Fig. 5), said grid including a plurality of cells wherein said entries are contained within said cells, each of the cells including information related to at least one of: the current live stream or the future live stream and wherein at least one entry 140, in at least one cell of said plurality of cells, indicates presence of existent recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream (WW II Documentary)(col. 9, l. 56-67 & col. 10, l. 1-13).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim **17**, Matthews, III et al. discloses the method according to claim 16, wherein the at least one recorded material database includes, for predetermined recorded material (col. 7, l. 31-42), identification data (col. 9, l. 56-67 & col. 10, l. 1-10), and optionally, at least one of time recorded, time duration, actors/actresses (col. 7, l. 2), rating, and password.

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim **18**, Matthews, III et al. discloses the method according to claim 16, wherein the data regarding the at least one of the current and the future live stream includes correspondingly at least one of identification of the current live stream and identification of the

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future live stream (WW II Documentary)(Fig. 5), and the information related to recorded material includes identification of the recorded material (Hitler, Pearl Harbor, A-Bomb)(Fig. 5).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **22**, **24**, and **26**, Matthews, III et al. discloses a method/system for providing and displaying an extended electronic program guide, comprising:

- generating at least one recorded material database (local memory cache) containing user-initiated (col. 9, l. 50-52) recorded material that includes at least one of: recorded video streams, still images, recorded audio stream and recorded closed captioning information (col. 7, l. 9-21, 31-42; col. 9, l. 45-67; & col. 10, l. 1-13);
- generating at least one live stream database containing at least information regarding at least one of a current live stream and a future live stream (col. 6, l. 59-67; col. 7, l. 1-8; & col. 8, l. 6-10);
- producing, for display, the extended electronic program guide by integrating data from the at least one of: the live stream database and the pre-generated database, with data from the at least one recorded material database, the extended electronic program guide including information related to the recorded material and information regarding the at least one of: the current and the future live stream (col. 4, l. 48-65; col. 8, l. 52-67; col. 9, l. 1-12, 45-67; & col. 10, l. 1-49);
- displaying the extended electronic program guide (Fig. 5) wherein information related to the recorded material is displayed with information regarding the at least one of the current and the future live stream (Fig. 5), the information regarding the at least one

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- of the current and the future live stream including correspondingly at least one of:
- identification of the current live stream and identification of the future live stream (WW II Documentary)(Fig. 5), and the information related to the recorded material including Identification of the recorded material (Hitler, Pearl Harbor, A-Bomb)(Fig. 5); and
- wherein displaying the extended electronic program guide comprises displaying a grid of entries (Fig. 5), said grid including a plurality of cells wherein said entries are contained within said cells, each of the cells including the information related to at least one of the current live stream or the future live stream and wherein at least one entry 140, in at least one cell of said plurality of cells, indicates presence of existent recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream (WW II Documentary)(col. 9, l. 56-67 & col. 10, l. 1-13).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **36** and **39**, Matthews, III et al. discloses a system/method for providing an extended electronic program guide, comprising:

- at least one local recorded material database (local memory cache) containing recorded material (col. 7, l. 9-21, 31-42; col. 9, l. 45-67; & col. 10, l. 1-13);
- a database integrator (user interface unit 90) that produces for display the extended electronic program guide, wherein the extended electronic program guide is

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organized as a grid of entries (Fig. 5), said grid including a plurality of cells wherein said entries are contained within said cells, each of the cells including the information related to at least one of the current live stream or the future live stream and wherein at least one entry 140, in at least one cell of said plurality of cells, indicates presence of existent recorded material associated with at least a second entry in said at least one cell, said at least a second entry containing the information related to either the current live stream or the future live stream (WW II Documentary)(col. 9, l. 56-67 & col. 10, l. 1-13).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **37** and **40**, Matthews, III et al. discloses the system/method of claims 36 and 39, respectively, wherein the at least one entry indicates the presence of existent recorded material associated with the information related to at least one of: the current live stream and the future live stream, when available, using a symbol (Fig. 5).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alten et al. discloses displaying an "i" symbol in a program entry in a program guide when additional information related to the program is available.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2424

MVH